

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-40011

United States of America

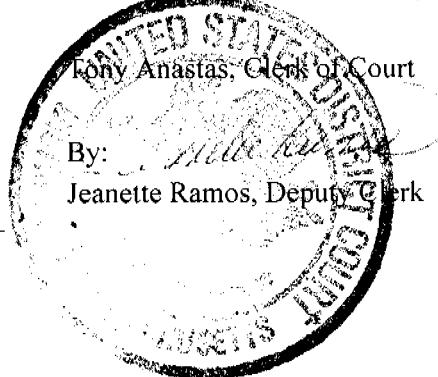
v.

Lenny Jiminez-Beltre

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/17/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on February 18, 2005.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 2/18/05

D. Borchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

[cv: apprec.] [cr: kapprec.]

APPEAL, CLOSED, INTERP

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:04-cr-40011-FDS-ALL**

Case title: USA v. Jimenez-Beltre

Date Filed: 04/28/2004

Assigned to: Judge F. Dennis
Saylor, IV

Defendant

Lenny Jimenez-Beltre (1)
TERMINATED: 02/17/2005

also known as

Tony Perez (1)
TERMINATED: 02/17/2005

also known as

Hector Cintron (1)
TERMINATED: 02/17/2005

also known as

Hector Rivera (1)
TERMINATED: 02/17/2005

represented by **James B. Krasnoo**
23 Main Street
Terrace Level
Andover, MA 01810
978-475-9955
Fax: 978-474-9005
Email:
james@krasnoolaw.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED
Designation: CJA
Appointment

Pending Counts

18:1326(a)REENTRY OF
DEPORTED ALIEN -
FELONY
(1)

Disposition

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 46 months. Upon release from imprisonment, the defendant shall be placed on Supervised Release for a term

of 3 years. The defendant shall pay a special assessment of \$100.00.

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

Disposition

None

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Christopher F. Bator**
United States Attorney's
Office
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3100
Fax: 617-748-3951
Email:
christopher.bator@usdoj.gov
TERMINATED: 10/22/2004
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Paul G. Casey
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Suite #206
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*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED*

Date Filed	#	Docket Text
04/28/2004	①	INDICTMENT as to Lenny Jimenez-Beltre (1) count (s) 1. (Shattuck, Deborah) (Entered: 04/30/2004)
04/30/2004	②	Judge Nathaniel M. Gorton : ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Lenny Jimenez-Beltre (Shattuck, Deborah) (Entered: 04/30/2004)
04/30/2004	③	Arrest Warrant Issued as to Lenny Jimenez-Beltre. (Shattuck, Deborah) (Entered: 04/30/2004)
05/06/2004	④	Arrest of Lenny Jimenez-Beltre (Roland, Lisa) (Entered: 05/06/2004)
05/06/2004	⑤	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Lenny Jimenez-Beltre (1) Count 1 held on 5/6/2004, Initial Appearance as to Lenny Jimenez-Beltre held on 5/6/2004, Case called, Counsel (Casey, Krasnoo), PTS Cuascut, Interpreter Lilley & Dft appear, Defendant advised of rights, Financial affidavit filed,

		Government moves for detetention, Short Recess, Dft consents to detention, Arraingment held, Not Guilty Plea entered by Lenny Jimenez-Beltre (1) on Count 1, Dft remanded to the custody of the US Marshal, Scheduling order to issue. (1:01 P.) (Roland, Lisa) (Entered: 05/07/2004)
05/06/2004	(39)	Judge Charles B. Swartwood : ORDER entered CJA 20 as to Lenny Jimenez-Beltre : Appointment of Attorney James B. Krasnoo for Lenny Jimenez-Beltre. (Jones, Sherry) (Entered: 05/13/2004)
05/07/2004	(43)	Arrest Warrant Returned Executed on 5/6/04 as to Lenny Jimenez-Beltre. (Hassett, Kathy) (Entered: 05/07/2004)
05/07/2004	(44)	CJA 23 Financial Affidavit by Lenny Jimenez-Beltre. (Jones, Sherry) (Entered: 05/11/2004)
05/07/2004	(45)	NOTICE OF INITIAL STATUS HEARING as to Lenny Jimenez-Beltre Status Conference set for 6/17/2004 10:00 AM in BOSTON Courtroom 16 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) Modified on 5/11/2004 (Jones, Sherry). (Entered: 05/11/2004)
05/07/2004	(46)	Judge Charles B. Swartwood : ORDER entered ORDER ON EXCLUDABLE DELAY as to Lenny Jimenez-Beltre Time excluded from 5/6/04 until 5/20/04. (cc/cl) (Jones, Sherry) (Entered: 05/11/2004)
05/07/2004	(47)	Judge Charles B. Swartwood : ORDER entered SCHEDULING ORDER as to Lenny Jimenez-Beltre Status Conference set for 6/17/2004 10:00 AM in BOSTON in Courtroom 16 before Magistrate Judge Charles B. Swartwood. (Jones, Sherry) (Entered: 05/11/2004)
05/07/2004	(48)	Judge Charles B. Swartwood : ORDER on the Government's motion for DETENTION as to Lenny Jimenez-Beltre, cc/cl. (Roland, Lisa) (Entered:

		05/13/2004)
06/18/2004	• 9	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Lenny Jimenez-Beltre held on 6/18/2004. Case called, Counsel (Wortman, Krasnoo--by telephone) appear, Counsel request additional time, Case continued, Time to be excluded. (2:23 P.) (Roland, Lisa) (Entered: 06/18/2004)
06/18/2004	• 10	Case as to Lenny Jimenez-Beltre Reassigned to Judge F. Dennis Saylor. Case reassigned from Judge Gorton to Judge F. Dennis Saylor, IV upon appointment to the bench. Notice sent to counsel. (Shattuck, Deborah) (Entered: 06/22/2004)
06/21/2004	• 11	Judge Charles B. Swartwood : ORDER entered INITIAL STATUS REPORT as to Lenny Jimenez-Beltre Status Conference set for 8/5/2004 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) (Entered: 07/01/2004)
06/21/2004	• 12	Judge Charles B. Swartwood : ORDER entered ORDER ON EXCLUDABLE DELAY as to Lenny Jimenez-Beltre Time excluded from 5/20/04 until 8/5/04. (cc/cl) (Jones, Sherry) (Entered: 07/01/2004)
08/05/2004	•	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Lenny Jimenez-Beltre held on 8/5/2004. Case called, Counsel (Casey, Krasnoo by telephone) appear, Counsel request additional time, Case continued, Time to be excluded. (2:34.) (Roland, Lisa) (Entered: 08/05/2004)
08/06/2004	• 13	Judge Charles B. Swartwood : STATUS REPORT as to Lenny Jimenez-Beltre ; Status Conference set for 9/20/2004 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa)

		(Entered: 08/06/2004)
08/06/2004	⑯14	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Lenny Jimenez-Beltre; Time excluded from August 5, 2004 until September 20, 2004, cc/cl. (Roland, Lisa) (Entered: 08/06/2004)
09/20/2004	⑯	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Lenny Jimenez-Beltre held on 9/20/2004. Case called, Counsel (Casey, Krasnoo-by telephone) appear, Case to be sent back to District Judge, Final status report to issue. (2:30 P.) (Roland, Lisa) (Entered: 09/20/2004)
09/20/2004	⑯15	Judge Charles B. Swartwood : FINAL STATUS REPORT as to Lenny Jimenez-Beltre, cc/cl. (Roland, Lisa) Modified on 9/24/2004 (Jones, Sherry). (Entered: 09/23/2004)
09/23/2004	⑯	Case as to Lenny Jimenez-Beltre no longer referred to Charles B. Swartwood. (Roland, Lisa) (Entered: 09/23/2004)
10/01/2004	⑯	Set Hearings as to Lenny Jimenez-Beltre : Change of Plea Hearing set for Wednesday 10/20/2004 at 10:00AM in Courtroom 2 before F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 10/01/2004)
10/20/2004	⑯	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Change of Plea Hearing as to Lenny Jimenez-Beltre held on 10/20/2004: Counsel (Casey/Krasnoo)and defendant appear for Rule 11 Hearing. Defendant changes plea of not guilty and enters plea of guilty to count 1; plea accepted by the court. Sentencing set for 1/12/2005 03:00 PM in Courtroom 2 before F. Dennis Saylor IV. Procedural Order for sentencing to issue. Defendant remanded to the custody of the U.S. Marshal. (Interpreter: Carrie Lilley)(Court Reporter Marianne Kusa-Ryll.) (Shattuck, Deborah) (Entered: 10/20/2004)

10/22/2004	⑩	Attorney update in case as to Lenny Jimenez-Beltre. Attorney Paul G. Casey for USA added. Attorney Christopher F. Bator terminated. (Castles, Martin) (Entered: 10/22/2004)
10/22/2004	⑯	Judge F. Dennis Saylor IV: ORDER entered PROCEDURAL ORDER re sentencing hearing as to Lenny Jimenez-Beltre Sentencing set for 1/12/2005 03:00 PM in Courtroom 2 before F. Dennis Saylor IV. (cc/cl) (Castles, Martin) (Entered: 10/22/2004)
11/22/2004	⑰	Judge F. Dennis Saylor IV: ORDER regarding application of sentencing guidelines entered as to Lenny Jimenez-Beltre. (cc/cl) (Jones, Sherry) (Entered: 11/22/2004)
11/24/2004	⑱	Objection as to Lenny Jimenez-Beltre : 17 Order regarding application of sentencing guidelines, c/s. (Jones, Sherry) (Entered: 11/24/2004)
12/22/2004	⑲	MOTION for Evidentiary Hearing as to Lenny Jimenez-Beltre, c/s . (Jones, Sherry) Modified on 12/23/2004 (Jones, Sherry). (Entered: 12/22/2004)
12/30/2004	⑳	JOINT MOTION to Continue for a period of 45 days for sentencing hearing as to Lenny Jimenez-Beltre by Lenny Jimenez-Beltre, USA, c/s. (Jones, Sherry) (Entered: 01/03/2005)
01/06/2005	㉑	Judge F. Dennis Saylor IV: Electronic ORDER entered granting in part and denying in part <u>20</u> Motion to Continue as to Lenny Jimenez-Beltre (1). (cc/cl) (Castles, Martin) (Entered: 01/06/2005)
01/06/2005	㉒	Reset Hearings as to Lenny Jimenez-Beltre: Sentencing reset for Tuesday 2/15/2005 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 01/06/2005)
02/08/2005	㉓	SENTENCING MEMORANDUM by USA as to Lenny Jimenez-Beltre, c/s. (Hassett, Kathy) (Entered:

		02/08/2005)
02/09/2005	•22	SUPPLEMENTAL SUBMISSION by USA as to Lenny Jimenez-Beltre, c/s. (Jones, Sherry) (Entered: 02/09/2005)
02/15/2005	•23	TRANSCRIPT of Rule 11 Proceedings as to Lenny Jimenez-Beltre held on Wednesday, October 20, 2004 before Judge F. Dennis Saylor, IV. Court Reporter: Marianne Kusa-Ryll. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Jones, Sherry) (Entered: 02/15/2005)
02/15/2005	•	Judge F. Dennis Saylor IV: Electronic ORDER entered withdrawing 19 Motion for evidentiary hearing as to Lenny Jimenez-Beltre (1). Counsel for dft withdraws motion in open court this date. (Castles, Martin) (Entered: 02/15/2005)
02/15/2005	•24	MOTION for transcripts at government expense as to Lenny Jimenez-Beltre, c/s. (Hassett, Kathy) (Entered: 02/16/2005)
02/15/2005	•	Judge F. Dennis Saylor IV: Electronic ORDER entered granting 24 Motion for Transcript at Government Expense as to Lenny Jimenez-Beltre (1)"Motion Granted" cc/cl. (Hassett, Kathy) (Entered: 02/16/2005)
02/15/2005	•	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Sentencing held on 2/15/2005 for Lenny Jimenez-Beltre (1), Count(s) 1, Case called, Counsel (Casey/Krasnoo) and dft appear for sentencing, Dft sentenced as follows: The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 46 months. Upon release from imprisonment, the defendant shall be placed on Supervised Release for a

		term of 3 years. The defendant shall pay a special assessment of \$100.00. The defendant is remanded to the custody of the U.S. Marshal. (Court Reporter Kusa-Ryll.) (Interpreter C. Lilly) (Castles, Martin) (Entered: 02/16/2005)
02/17/2005	②5	NOTICE OF APPEAL by Lenny Jimenez-Beltre, c/s. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/9/2005. (Hassett, Kathy) (Entered: 02/17/2005)
02/17/2005	②6	Judge F. Dennis Saylor IV: Electronic ORDER entered. JUDGMENT as to Lenny Jimenez-Beltre (1), Count(s) 1, The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 46 months. Upon release from imprisonment, the defendant shall be placed on Supervised Release for a term of 3 years. The defendant shall pay a special assessment of \$100.00. (Castles, Martin) (Entered: 02/18/2005)
02/17/2005	②7	Judge F. Dennis Saylor IV: Electronic ORDER entered. STATEMENT OF REASONS as to Lenny Jimenez-Beltre (Castles, Martin) (Entered: 02/18/2005)
02/17/2005	⑧	Case Terminated as to Lenny Jimenez-Beltre (Castles, Martin) (Entered: 02/18/2005)